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February 16, 2011

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Via Electronic Filing**

**Re: Notice of Ex Parte Presentation in: Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MB Dkt. 00-168**

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission's rules, Free Press, on behalf of the Public Interest Public Airwaves Coalition, submits this notice regarding an *ex parte* communication in the above referenced docket.

On February 14, 2012, Corie Wright of Free Press, Laura Moy and Yasemin Kasim Luebke of the Georgetown Institute for Public Representation met with Erin McGrath, Legal Advisor to Commissioner Robert McDowell.

The subject of the meeting was the Federal Communications Commission's recent proposal to replace broadcasters' paper public files with an online public file that would be hosted by the Commission.<sup>1</sup> We explained that members of the public currently face significant and unnecessary hurdles to examining the public files because the files are only available during business hours and because some stations do not provide adequate onsite access to the public. Online posting of broadcaster public files would provide 24-hour access to this information and would alleviate many of the problems citizens currently encounter in trying to review a station's public file, including geographic impediments, recalcitrant station staff and limited station hours.

We addressed recent claims by broadcast industry executives that some of the information contained in broadcasters' political files constitutes proprietary and sensitive advertising pricing information.<sup>2</sup> These claims are inconsistent with both law and fact.

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<sup>1</sup> *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Order on Reconsideration and Further Notice of Proposed Rulemaking, MB Dkt 00-168, FCC 11-162 (rel. Oct. 27, 2011).

<sup>2</sup> See e.g., *Ex Parte filing of the Walt Disney Company*, filed MM Dkt 00-168 (Feb. 13, 2012) <http://apps.fcc.gov/ecfs/document/view?id=7021859933>.

All of the information contained in the political file already must be made available to the public and has been so for decades. The Communications Act directs broadcasters to keep records of political advertising time sold, including “the rate charged for the broadcast time” and “the class of time that is purchased.”<sup>3</sup> Given that Congress intended and mandated that this information be disclosed to the public, it is erroneous for broadcasters to suggest that such information is confidential. Nor does the FCC have the authority to treat it as confidential. At any rate, placing this information online would not adversely affect the competitive incentives that already exist in the marketplace. Under existing law, anyone may inspect the records contained in the political file without disclosing their organization or affiliation. Visitors to the public file are also permitted to copy documents contained in the political file.<sup>4</sup>

We also explained that broadcaster estimates of the time and cost burden of maintaining their political files online are grossly exaggerated, if not outright wrong. Going forward, maintaining an online political file would require no more burden or staff time than maintaining the existing paper file. Indeed, to the extent that many broadcasters already maintain these records in electronic form, an online public file would eliminate the burden of printing out these documents and organizing them by hand in the existing paper file. It would also eliminate the staff time dedicated to supervising visitors inspecting the paper file.

Finally, we reiterated the Coalition’s support for requiring submission of sponsorship identification records and shared services agreements in the online public file. In response to some broadcasters’ assertion that the burden imposed by including these records in the online public file would outweigh the benefits to the public, we highlighted some of the most important benefits of improving access to and the content of the public file. In addition to promoting dialog between licensees’ and their communities of service, online public file information would be of great value to researchers from both the public and the Commission itself. Marketplace transparency is critical to inform policies that enhance productivity and efficiency while still serving the public. For example, policymakers must have reliable information about current trends in outsourced news production, pay-for-play, and resource-sharing between stations. Without this information, it will be difficult for the Commission to craft rules and policies enabling broadcasters to survive and thrive in the digital era.

In accordance with the Commission’s rules, this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing please do not hesitate to contact me.

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<sup>3</sup> 47 U.S.C. § 315(e).

<sup>4</sup> The New America Foundation, a member of the Coalition, has visited a number of stations to copy portions of their political files for purpose of posting those records online. See Tom Glaisyer, *Bringing Broadcaster Public Files into the 21st Century*, New America Foundation (Feb. 13, 2012) [http://mediapolicy.newamerica.net/blogposts/2012/bringing\\_broadcaster\\_public\\_files\\_into\\_the\\_21st\\_century-63637](http://mediapolicy.newamerica.net/blogposts/2012/bringing_broadcaster_public_files_into_the_21st_century-63637).

Respectfully  
submitted,  
\_\_\_\_\_/s/\_\_\_\_\_  
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Cc:  
Erin McGrath